HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION NO.27154 OF 1995

Between:

N.Subba Rao

. . .Petitioner

AND

The Correspondent, S.E.R.M. Junior College, Gudlavalleru, Krishna District and others

. . .Respondents

Counsel for the petitioner : Shri D.Linga Rao

Counsel for the respondents : Government Pleader for Higher Education

Dated: 5th July, 2006

: ORDER :

In this petition filed on 30.11.1995, Shri N.Subba Rao (since deceased) made a prayer for issue of mandamus to the respondents to pay him pension, gratuity and other benefits by counting his entire service in terms of G.O.Ms.No.435 dated 03.05.1982 after duly fixing his pay in the automatic advancement scale of fifteen years. He also prayed for payment of interest and award of exemplary costs.

After learned counsel for the petitioner made submissions for about fifteen minutes, learned Government Pleader surprised him as well as the Court by saying that petitioner-Shri N.Subba Rao had undertaken last journey in the year 1997 and his widow was paid pension etc., on 12.01.1999.

Learned counsel for the petitioner says that he was not aware about the demise of his client and, therefore, he could not take steps to bring on record his legal representatives, who could pursue the writ petition for grant of remaining relief like interest and costs.

It is pity that matters involving determination of claims relating to pension etc., remain pending before the Court for more than ten years. In my opinion, the retired employee cannot be made to wait for ten years or more for releasing his pension etc. Therefore, learned Special Government Pleader is requested to get in touch with all the departmental heads in the State as also Accountant General, Andhra Pradesh and obtain the particulars of cases involving claims of pension, gratuity, provident fund, insurance etc. and furnish the same to the Court Officer so that appropriate direction can be given for listing of all such matters before appropriate Benches.

Insofar as this petition is concerned, I have no option but to dispose of the same as infructuous, because legal representatives of late Shri N.Subba Rao have not been brought on record. Ordered accordingly.

However, liberty is given to the legal representatives of Shri N.Subba Rao to make a representation to the Government for payment of interest on account of delayed release of pension etc. If their claim is not accepted or no reply is given by the concerned authority within a reasonable time, then they shall be free to avail appropriate legal remedy.

G.S.SINGHVI, CJ

Date: 05.07.2006

kvni/svs